REMARKS/ARGUMENTS

Reconsideration of the application is requested.

Claims 1-13 remain in the application. Claim 2 has been amended.

In item 1 on page 2 of the above-identified Office action, claims 1-2 have been rejected as being indefinite under 35 U.S.C. § 112, second paragraph.

More specifically, the Examiner has stated that the recitation "wherein said mixer is a first mixer, and wherein a second mixer" is indefinite and inaccurate because it is not clear how a single mixer represents both a first mixer and a second mixer.

It is noted that the wording "a mixer" in claim 1 does not limit it to one single mixer. In addition, according to claim 2, a further mixer (4) is provided between the injection apparatus (3) and the catalytic converter (8) besides the mixer (10, 12) as recited in claim 1. Therefore, the mixer as recited in claim 1 does not represent both a first mixer (10, 12) and a second mixer (4), but only represents the first mixer (10, 12).

However, the language of claim 2 has been slightly modified to even clearly define the invention of the instant application.

It is accordingly believed that the claims meet the requirements of 35 U.S.C. § 112, second paragraph. Should the Examiner find any further objectionable items, counsel would appreciate a telephone call during which the matter may be resolved. The above-noted changes to the claims are provided solely for cosmetic and/or clarificatory reasons. The changes are neither provided for overcoming the prior art nor do they narrow the scope of the claims for any reason related to the statutory requirements for a patent.

In item 2 on pages 2-4 of the above-mentioned Office action, claims 1-8 have been rejected as being unpatentable over JP'324 (Japanese Publication No. 10151324 A) in view of Herr et al. (US Pat. No. 6,086,241) under 35 U.S.C. § 103(a).

In item 3 on pages 4-5 of the above-mentioned Office action, claims 9 and 11-12 have been rejected as being unpatentable over JP'324 in view of Herr et al. and further in view of Huber (US Pat. No. 3,785,620) under 35 U.S.C. § 103(a).

In item 4 on page 5 of the above-mentioned Office action, claim 10 has been rejected as being unpatentable over JP'324

in view of Herr et al. and further in view of MacInnis (US Pat. No. 5,437,851) and Kuroda et al. (US Pat. No. 5,078,973) under 35 U.S.C. § 103(a).

In item 5 on page 6 of the above-mentioned Office action, claim 13 has been rejected as being unpatentable over JP'324 in view of Herr et al. and further in view of Dunn Jr. et al. (US Pat. No. 5,423,272) under 35 U.S.C. § 103(a).

As will be explained below, it is believed that the claims were patentable over the cited art in their original form and the claims have, therefore, not been amended to overcome the references.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claim 1 calls for, inter alia:

> a mixer for rendering a mixing of the flue gas with the reducing agent more uniform disposed downstream of said catalytic converter in the given flow direction.

The decisive factor of the invention of the instant application is the mixer disposed downstream of the catalytic converter. This configuration is based on the consideration

that a certain part of the ammonia (ammonia slippage) leaves the catalytic converter, thus ammonia values which are too high can occur in some regions due to a non-homogenous distribution, which, for example, lead to obstruction in a subsequent air pre-heater (see pages 2-4 of the specification). The concept of placing a mixer in the flow direction downstream of a catalytic converter was suggested for the first time by present the invention and constitutes the core of the invention of the instant application.

This important feature of the invention of the instant application is not disclosed by JP'342, as agreed to by the Examiner on page 3, lines 4-6 of the Office action. This feature is also not disclosed by Herr et al. The Examiner has stated on page 3, lines 6-9 of the Office action:

> *"Herr'241 teaches it is conventional to provide mixing unit 3 (2?) in a bend conduit region (Fig. 3)* ***downstream (Abstract) of a catalytic bed (Col. 4, lines 4-8)*** *to facilitate mixing of the flue gas with the reducing agent (Col. 2, lines 28-34)."*

However, the text in column 4, lines 4-8 of Herr et al. merely states that

> *"an ammonia injection device 38 is installed in the bend region 26, by means of which ammonia gas can be supplied to the flue gas 30 which is* ***subsequently*** *used for the catalytic reaction of the nitrogen oxide in a deNOx installation."*

It is, therefore, clear from this text passage that a catalytic converter possibly disposed in a deNOx installation is disposed downstream of the injection device 38 and thus, as can be seen in Fig. 3, is absolutely also downstream of the mixing unit 2. This corresponds to the conventional procedure of placing a mixer upstream of the catalytic converter for mixing the ammonia with the flue gas as homogenously as possible. This corresponds to approximately the injection apparatus (3) in combination with the mixer (4) according to the invention of the instant application.

Clearly, none of the cited references shows "a mixer for rendering a mixing of the flue gas with the reducing agent more uniform disposed downstream of said catalytic converter in the given flow direction," as recited in claim 1 of the instant application.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claim 1. Claim 1 is, therefore, believed to be patentable over the art and since all of the dependent claims are ultimately dependent on claim 1, they are believed to be patentable as well.

In view of the foregoing, reconsideration and allowance of claims 1-13 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate a telephone call so that, if possible, patentable language can be worked out.

If an extension of time for this paper is required, petition for extension is herewith made. Please charge any fees which might be due with respect to 37 CFR Sections 1.16 and 1.17 to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

Respectfully submitted,

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